

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA**

PLAINTIFF

V.

NO. 4:22-CV-59-DMB-JMV

JENNEFER COLEMAN, et al.

DEFENDANTS

ORDER

On April 19, 2022, Travelers Casualty and Surety Company of America filed a complaint in the United States District Court for the Northern District of Mississippi against Jennefer Coleman, Michael Coleman, and Virginia Coleman. Doc. #1. On August 9, 2022, United States Magistrate Judge Jane M. Virden issued a Report and Recommendation (“R&R”) recommending the complaint be dismissed for Travelers’ failure to effectuate service on the defendants within 90 days and for Travelers’ failure to respond to the July 27, 2022, order¹ requiring it “to explain why it has not effectuated service of process ... in a timely manner.” Doc. #7. Before the fourteen-day period to object to the R&R expired, Michael and Virginia answered the complaint on August 15, 2022; and Jennefer answered the complaint on August 19, 2022. Docs. #8, #12. Subsequently, the parties served initial disclosures, Judge Virden held a case management conference with the parties, a case management order was entered, and this case was set for trial. See Docs. #15–#19. To date, no objections to the R&R have been filed.

“With respect to those portions of the report and recommendation to which no objections were raised, the Court need only satisfy itself that there is no plain error on the face of the record.” *Gauthier v. Union Pac. R.R. Co.*, 644 F. Supp. 2d 824, 828 (E.D. Tex. 2009) (citing

¹ Doc. #6.

Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1428–29 (5th Cir. 1996)). However, since all defendants have now appeared and there is nothing reflected on the docket challenging service of the complaint,² and since litigation of this case currently proceeds, the R&R [7] is **REJECTED as moot.**

SO ORDERED, this 23rd day of September, 2022.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

² In violation of Federal Rule of Civil Procedure 4(l)(1), Travelers has filed nothing showing when or how the defendants were served the complaint.